

## AMENDMENTS TO THE CLAIMS

This listing will replace all prior versions, and listings, of claims, in the application:

### Listing of Claims:

1. (currently amended)      A device for closing containers having an opening with a rim, the device comprising:

a rigid capsule having a cup shape with a closed bottom and an open end, and  
an extensible diaphragm,

wherein, prior to mating with the rim of the opening, the diaphragm has an inner portion extending subtended in a plane situated between the open end of the capsule and an intermediate position between the open end and the closed bottom of the capsule, the inner portion having no contact with the closed bottom,

wherein, prior to the mating with the rim of the opening, the diaphragm further has an outer portion wider than an inner diameter of the capsule and affixed to a perimeter of the open end of the capsule or to an inner longitudinal wall of the capsule, and ~~further has an inner portion spaced from the closed bottom, and~~

wherein the diaphragm is stretchable to tightly adhere against the rim of the opening when the capsule and the rim of the opening are mated.

2. (previously presented)      The device as claimed in claim 1, wherein the outer portion of the diaphragm is affixed to the perimeter of the open end of the capsule or to the inner longitudinal wall of the capsule by adhesive bonding, or by a chemical or physical attachment process.

3. (previously presented)      The device as claimed in claim 1, wherein the outer portion of the diaphragm is affixed to a perimeter of the open end of the capsule.

4. (previously presented)      The device as claimed in claim 3, wherein the open end of the capsule comprises a flange extending outwardly from the open end, and wherein the outer portion of the diaphragm is affixed to the flange.

5. (withdrawn) The device as claimed in claim 1, wherein the diaphragm (2) extends beyond the open end of the capsule (3) to form an annular peripheral surface, which is attached to a portion of the outer wall of the capsule (3).

6. (withdrawn) The device as claimed in claim 5, wherein the annular peripheral surface of the diaphragm (2) is retained in position against the outer wall of the capsule (3) by the elastic properties of the diaphragm (2).

7. (withdrawn) The device as claimed in claim 5, further comprising a bushing having open opposite ends, wherein the bushing has an inner diameter substantially equal to the outer diameter of the capsule (3), wherein the capsule (3) is partially inserted within the bushing and wherein the annular peripheral surface of the diaphragm (2) is compressed against the outer surface of the capsule (3).

8. (withdrawn) The device as claimed in claim 7, wherein the bushing has an outer diameter substantially equal to the inner diameter of the capsule (3), and wherein the bushing penetrates the open end of the capsule (3) for a certain axial depth and compresses the annular peripheral surface of the diaphragm (2) against the inner surface of the capsule (3).

9. (withdrawn) The device as claimed in claim 7, wherein the annular peripheral surface may be further affixed to the capsule (3) by a secondary fastening process, and wherein the secondary fastening process is subsequent welding or simultaneous gluing.

10. (withdrawn) The device as claimed in claim 7, wherein the bushing comprises a lead-in surface providing a rounded tapering at the point of insertion of the capsule (3).

11. (withdrawn) The device as claimed in claim 7, wherein the diaphragm (2) is positioned in the inner portion of the assembly of the rigid cup-shaped element (3) and the bushing.

12. (withdrawn) The device as claimed in claim 7, wherein the bushing (11) and the capsule (3) are connected by coupling radial ridges and radial recesses.

13. (previously presented) The device as claimed in claim 1, wherein the diaphragm is cup-shaped, wherein the outer portion is cylindrically shaped and is affixed to the inner longitudinal wall of the capsule, and wherein the capsule is axially deeper than the diaphragm.

14. (withdrawn) The device as claimed in claim 13, wherein the diaphragm has a peripheral rim.

15. (withdrawn) The device as claimed in claim 13, wherein the free edge of the diaphragm has an annular widened portion (85) extending from the its free edge, the annular widened portion being at least as wide as the outside diameter of the open end of the capsule (3).

16. (withdrawn) The device as claimed in claim 15, wherein the capsule (3) further comprises an annular seat (84) extending from the open end and housing the annular widened portion (85) of the diaphragm.

17. (previously presented) The device as claimed in claim 1, wherein the capsule is made of a resilient material, and wherein the resilient material is plastic, metal, or a combination thereof.

18. (previously presented) The device as claimed in claim 1, further comprising a sealing element interposed between the diaphragm and the closed bottom.

19. (previously presented) The device as claimed in claim 18, wherein the sealing element is pre-fitted in an inner side of the closed bottom of the capsule.

20. (withdrawn) The device as claimed in claim 1, wherein the capsule (3) has at least one aperture (9) formed in the closed bottom, the aperture being tightly closed by a transparent wall (8) and extending over at least a portion of the surface of said closed bottom.

21. (withdrawn) The device as claimed in claim 20, wherein the transparent wall (8) for tightly closing the aperture (9) is also used as a seal and is securely connected to the capsule (3).

22. (previously presented) The device as claimed in claim 1, wherein the rim of the opening comprises one or more retaining shoulders, wherein the device further comprises a sealing ring attached to the open end of the capsule and connected to the rest of the capsule by a tear-off line requiring a predetermined breaking force for separation from the rest of the capsule, and wherein the sealing ring has a snap engagement with at least one retaining shoulder on the rim of the opening.

23. (withdrawn) The device as claimed in claim 1, wherein the capsule (3) is fitted on the opening of the container (1) and extends beyond the rim of the opening of the container (1) to form a cover (30) shaped like a drinking glass.

24. (withdrawn) The device as claimed in claim 23, wherein the cover (30) is shaped to cause its free edge to substantially abut the outer surface of the container (1).

25. (withdrawn) The device as claimed in claim 23, wherein the cover (30) is and the capsule (3) are an integral piece.

26. (withdrawn) The device as claimed in claim 23, wherein the cover (30) has a shape (34) that is complementary to the shape of the capsule (3), wherein the cover (30) is connected to the capsule (3) by a fastening process, and wherein the fastening process is force fitting, chemical adhesion, or mechanical adhesion.

27. (withdrawn) The device as claimed in claim 23, wherein the free edge of the cover (30) abuts the outer surface of the container (1), and wherein at least a portion of the container (1) is covered by a label (32) that overlaps both the container (1) and a portion of the cover (30).

28. (withdrawn) The device as claimed in claim 23, wherein the cover is provided with a base forming the base of the drinking glass shape.

29. (withdrawn) The device as claimed in claim 23, wherein the capsule (3) further comprises a sealing end ring (36) extending along the open end of the capsule (3), the sealing end ring (36) being separated from the rest of the capsule (3) by a tear-off line requiring a

predetermined breaking force to separate from the rest of the capsule (3), wherein the sealing end ring (36) is designed to engage with an outer radial annular shoulder (35) on the rim of the container (1), wherein the outer radial annular shoulder is situated at such a distance from the edge of rim of the opening that, when the container is closed by the device, the sealing end ring (35) is engaged on the container, and wherein the extension of the capsule (3) forming the cover (30) shaped like a drinking glass extends toward the side of the container (1) opposite to the opening, thereby preventing access to the sealing end ring (35).

30. (withdrawn)        The device as claimed in claim 23, wherein the shape of the cover is complementary to, and can be fit over, the side of the container (1) opposite to the opening rather than over the opening, and wherein a label (32) positioned over a container wall lies over at least a portion of the free edge of said cover.

31. (withdrawn)        The device as claimed in claim 23, further comprising a second cover (31) associated to the side of the container (1) opposite to the opening, wherein a label (32) is positioned over a container wall, and wherein the label (32) extends over at least a portion of the free edges of both covers.

33. - 43. (canceled)